IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6771 to 6773 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAHUL ENGINEERS & CONTRACTORS

Versus

GHATLODIA NAGARPALIKA

Appearance:

MR KG SUKHWANI for Petitioners in all three petitions

Mr.Y.N.Oja with MR DN KIRATSATA for Respondents in all three petitions.

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/08/2000

ORAL JUDGEMENT

Rule. Mr.D.N.Kiratsata waives service of rule for respondents.

2. The only grievance made in this group of petitions under Article 226 of the Constitution was that the respondent Municipality was not issuing blank tender forms when the petitioners had approached the Chief Officer as well as President of the Municipality before the expiry of time limit for issuing blank tender forms. After issuing notice and after hearing the learned counsel for parties on July 7, 2000 this Court had passed mandatory interim order directing the respondents to issue blank tender forms to the petitioner. Thereafter by order dated July 10, 2000 the petitions were admitted and respondents were directed to accept the filled in tender forms of the petitioners and the same were accepted by the learned counsel for the respondents and handed over the same to the officers of the respondents who were present in the Court. It was clarified that there was no stay against opening of tender and comparative figures of rates and they were required to be placed before the Court on the next date of hearing. The Court is informed that Letters Patent Appeals were filed against the said interim order and the appeals were dismissed.

3. The Chief Officer of the respondent Municipality has placed on record the comparative rates in respect of five tender works. The petitioner's claim is also included in all those five statements. According to learned counsel for the petitioners the rates offered by the petitioners are lower than others.

4. In the facts and circumstances of these cases and in view of the averments made in the petitions and after considering the averments made in the reply affidavits, it appears to the Court that the version putforward by the petitioners deserves to be accepted. In the result, the following direction is issued:

The petitioners having already been issued blank tender forms and the petitioners' blank tender forms having already been received by the respondent Municipality, the respondents are hereby directed to consider the petitioners' tenders along with the tenders of other parties received by July 10, 2000 and take decision thereon in accordance with law on merits.

5. All the petitions are accordingly allowed and rule is made absolute in each petition to the aforesaid extent. There shall be no order as to costs.

25.8.2000 (M.S.SHAH,J)